Before the Government of ~~His Highness the Maharaja of~~ Mysore.

Appeal No. 124 of 1894-95.

Appellants.
Ajje Gowda
Gudlaiya
represented by
Mr. Mr. Bhima Rao.

Vs.

Respondent.
Bettaiya

Notices served.
27. 8. 95.

~~Decision.~~ Appt by Mr. Bhimaiah
Respt in person
Appt heard
Order pronounced
GO
Appt

P. F 21-00.

G. R. S. IX-5]

Previous references. 1895-6

191 .

(L. R.)

Later references.

File No. 57-95

Serial Nos. - Notes

GENERAL AND REVENUE SECRETARIAT.

Notes

Serial Nos.

Part B for

SUBJECT.

Notes re - The claim to the Patel Office of Kadagondanahalli village - Sira Taluk

W D 1250—GPL—30,000 - 23-1-19

Appeal No 124 of 1894-95.

Appellants

1. Ajje Gowda
2. Mudlaiya

Respondent

Bettaiya

Appeal regarding the Patels of Bilinavandu in the Kankan Taluk.

List of English papers.

(1) Office Note with Medical Certificate
(2) Deputy Commrs Report
(3) Official Memorandum
(4) Appeal petition with enclosures.
(5) Official Memorandum forwarding Respondents petition for disposal with reference to Govt Order of 3.1.94.
(6) Petition of Bettegowda
(7) Copy of Govt Order No 1026-75 dated 3.1.95 R. 1055

(11)

(4)

Office note

A. S no 126 of 1894

Appellants: 1 Appe Gowda
2 moodlayya

Respondent: Bettayya

of Bheemasandra
Tumkur Taluk

One Hanumanthe Gowda was the registered Patel of Bheemasandra in the Tumkur Taluk. He died on the 27th July 1893. A day previous to his death he had presented a petition to the authorities that he was dangerously ill that he had no male issue that his nephew moodlayya had already acted for him as Patel for about four months, that the said moodlayya had promised to give him and his wife a maintenance allowance of Rs 6 per annum and that the office of Patel might therefore be registered in the name of moodlay-

vide Dy Commr Rept

Submitted to the Second Appellate Court.

Appegowda, the brother of the last Patel who died in 1893 & his nephew the 2nd Petr subject to the approval of Bettayya as Acting Patel under the Rule in para 3 of Govt Circular No 1585 dt. 3 Jan 14. Hanumakka widow of the deceased Sole Patel had previously ~~un-appointed~~ registered ~~the~~ 1st Patel and the Petr ~~Appe-~~ Moodlayya ~~Gowda~~ appointed to be ~~the~~ Patel ~~of~~ Bheemasandra. The Dy. Commr has directed the Petitioners

no action appears to have (5)
been then taken on the
above petition.

On the 2d. August 1893
Appe Gowda younger brother
of Hanumantha Gowda
and the above named
Moodlappa applied to the
Amildar for the Patelig
Bheemasamudra being
registered in the name of
Moodlappa.

Appe Gowda gave a 2-8-93
statement before the
Amildar that he was old
& unable to do the Patel
duties, that his sons were
but minors and that
the Patelig might be regist-
-ed in the name of Moodlappa.

Moodlappa agreed to 19-8-93
pay Rs 6 per annum
for the maintenance
of Hanumakka widow
of Hanumantha Gowda.
and requested the Amildar
to appoint him as Patel
of Bheemasamudra.

Moodlappa's brother
gave a statement
before the Amildar that
he might be appointed
Patel.

On the 19th August 1893
the above named Hanu
makka gave a state
ment before the Amildar
that the Patelig might
conferred on Moodla...

On the 4th September 1893 Appe Gowda presented a petition to the Collector that his previous statement regarding the appointment of Moodlayya might be cancelled as it was doubtful that the said Moodlayya would pay Rs 6 per annum to Hanumakka as had been promised and that the Patel might be registered either in the name of Hanumakka or in his own name -

On the 12th January 1894 the Amildar reported to the Deputy Commr that the heirs of the deceased Patel Hanumantha Gowda were:-(1) Appe Gowda (2) the Sons of Thimmappa, (3) Hanumakka (4) Ramakka daughter of Hanumakka; that Moodlayya was competent to manage the Patel duties, that Belle Gowda & Sidde Gowda had also presented a petition that they were entitled to manage the Patel that the office might be registered in their names and the work taken from them, that the Extract from the Patel

⊛ vide Genealogical tree appended

* Ramakka may not be examined as she was ill by some (vide Amildar's report)

** Belle Gowda son of Soli-Gowda: Sidde Gowda son of Kempanna (vide Genealogical tree)

(8)

that Govt having subsequently ordered that there should be only one Patel for a village Hanumantha Gowda alone continued to perform the duties till his death, and that as the said Hanumantha Gowda had died without male issue order might be passed directing the petitioner to do the Patel duties and pay to the widow of Hanumantha Gowda one half of the Polij, or arrangements might be made in accordance with Govt Propp no 10267-75 R1055 dated 3d January 1894.

The above petitioner Bette Gowda stated that Chikka Rame Gowda referred to in the Patel Register Extract was the brother of his grandfather Rame Gowda.

On the 6th August 1894 the following persons

1 Sivappa son of Kempe Gowda
2 Bettappa son of Solle Gowda
3 Hanumantha-do

y of the Propp is submitted with for reference. It relates to the appointment of two Patels for a village, one as Rev Patel and another as Police Patel

de Genealogical tree

4. Bette Gowda Son of Rame Gowda (9)

5. Dodda Rame Gowda Son of Rame Gowda

6 Sidda Rama Son of Dodda Rame Gowda

7 Rame Gowda Son of do

8 Guru Sidda Son of do

9 Hanumantha Son of Chikka Rame Gowda

gave a statement before the Amildar that they were all Coobarers in the Patel of Bheema sandra and that they had no objection to the appointment of Bettaya× Son of Dodda Rame Gowda as Patel of Bheemasandra on the 13th August 1894 the Amildar reported to the Deputy Commr. that as Bette Gowda was a descendant of Chikka Rame Gowda referred to in the Patel Register, as he was moreover able to read and write and as his Coobarers had also agreed to his appointment, the said Bette Gowda might be appointed Police Patel and that the case

× the above mentioned Petr.

Registrar would show that the deceased Patel Hanumantha Gowda and one Betta Sidde Gowda had been joint Patels of Bheemanakanive each entitled to one half, that the petitioners Betta Gowda and Sidde Gowda were descendants of Betta Sidde Gowda & Kempe Gowda respectively referred to in the said Register in Co. Shanaw, that Betta Gowda & Sidde Gowda were illiterate and that orders might be passed as to who should be appointed as Patel.

On the 16th January 1894 the Deputy Commr ordered that as the deceased Patel had no male issue the office ~~would~~ should be registered in the name of his widow Hanumakka and the work taken from her grandchild.

On the 11th June 1894 Betta Gowda Son of Dodda Rame Gowda presented a petition to the Amildar that the Patelki of Bheema Samudra had originally been held in equal shares by two persons one belonging to the Ganigadiga caste & the other to the Nonaba caste,

The Entract referred to in this was Enclosure 6 in proceedings of Betta Gowda & Sidde Gowda

The Entract shows that Hanumantha Gowda & Betta Sidde Gowda were joint Patels in Kadur Taluq in 1863-64

* vide Genealogical tree. This Betta Gowda is different from the one above referred to.

might be disposed of in
accordance with the Govt
Prop, dated 3d January
1894. The Ambdn
further reported that
orders had first been
passed in the case in
January last and that
the present petition
was received subsequently

The Deputy Commr
directed the Ambdn
to explain why report
to the above Effect (that
the case was one that might
be disposed of in accordance
with the above referred
Govt Prop) had not been
made at first.

The Ambdn replied
that he had not at
first been aware of
the Govt Prop of 3d January
1894.

On the 31st August
1894 the Deputy Commr
ordered that as the case
had been decided ~~prior~~
before the said Govt
Prop came to Effect
that decision could not

City suit

Civil suit

23-8-94

belong to their caste.
and that the said
Bette Gowda should
not therefore be appointed
-ed Police Patel as applied
for by him.

The Deputy Commr
thereupon ordered
that if the ~~plaintiff~~ appellant
Moodlagiya & Atte Gowda
had any right to the
office in question they
might bring a regular
suit.

No 253
12.12.94

The present appeal
to Govt is against
the above order of the
Deputy Commr.

The chief grounds of
appeal are:-

(1) That the 1st Appellt
is the uterine brother
of the deceased Patel
Hanumantha Gowda;
and the 2d Appellt being
in office is also related
to the said Hanumantha
Gowda as nephew. The
Deputy Commrs order
directing them to bring
a regular suit to establish
their right is partial.
~~in part and in toto~~.

objection the appointment might be made.

The above statement of Hanumakka was submitted to the Deputy Commr.

14-12-94 The Deputy Commr thereupon ordered that if the present applicant for the office & the others there to one might be appointed Revenue Patel and another Police Patel.

16-12-94 The aumildar issued orders appointing Moodligowda as Rev. Patel and Bette Gowda as Police Patel.

11-12-94 In the meantime Moodlagiri & Alle Gowda appellants presented a petition to the Deputy Commr that Bette Gowda has no right whatever to the Patel of Bheemasandra, that the village was comparatively small and the annual Potgi attached to the office was Rs 24-0-0, that there was no Inam attached to the office, that Bette Gowda did not

(14)

(2) That neither the Respondent nor his father nor his grand-father had ever discharged the Patel duties and their names do not appear in any of the old registers.

(3) That if the appellants have to bring a regular suit and Establish their right to the office, the order appointing the Respondent in a ~~summary~~ Summary manner cannot be justified.

(4) That the Civil Procedure of the 3d January 1894 cannot be supposed to confer any new right on any one not already entitled thereto.

The appellants pray that the Deputy Commissioners order appealed against may be cancelled and the office registered in the name of 2d appellant.

The Deputy Commissioners report is submitted with the file.

V.K.K. 8.'95

Pet
642

Bette Eenda then
applied to Govt against
the above order of the
Deputy Comm.

The appeal petition
that had been presented
to Govt was thereupon
forwarded to the Dy Comm.
for disposal with reference
to Govt Proc. dated 3d
January 1894.

On the 13th Novem-
ber 1894 the Deputy
Comm. directed the
Mudliar to Examine
Hannumakka widow
of the late Patel Hanu-
manthu Eenda, with
reference to the above
order of Govt and
submit her statement.

Hannumakka gave
a statement before
the Mudliar that she
had no objection to the
appointment of Bette
Eenda as Patel, that
Bette Eenda was of a
different caste from hers,
and that if her brother
in law & his sons had no

On 15.1.95, Hannumakka
presented a petition to
the Dy Comr protesting against
Bettaya's appt and
denying that he was a
person entitled, the Dy Comr
endorsed that he had fol-
lowed the order of Govt - that
the Petr herself had admitted
the right of Bettaya - which is
allegation is not borne out by the
record - Held

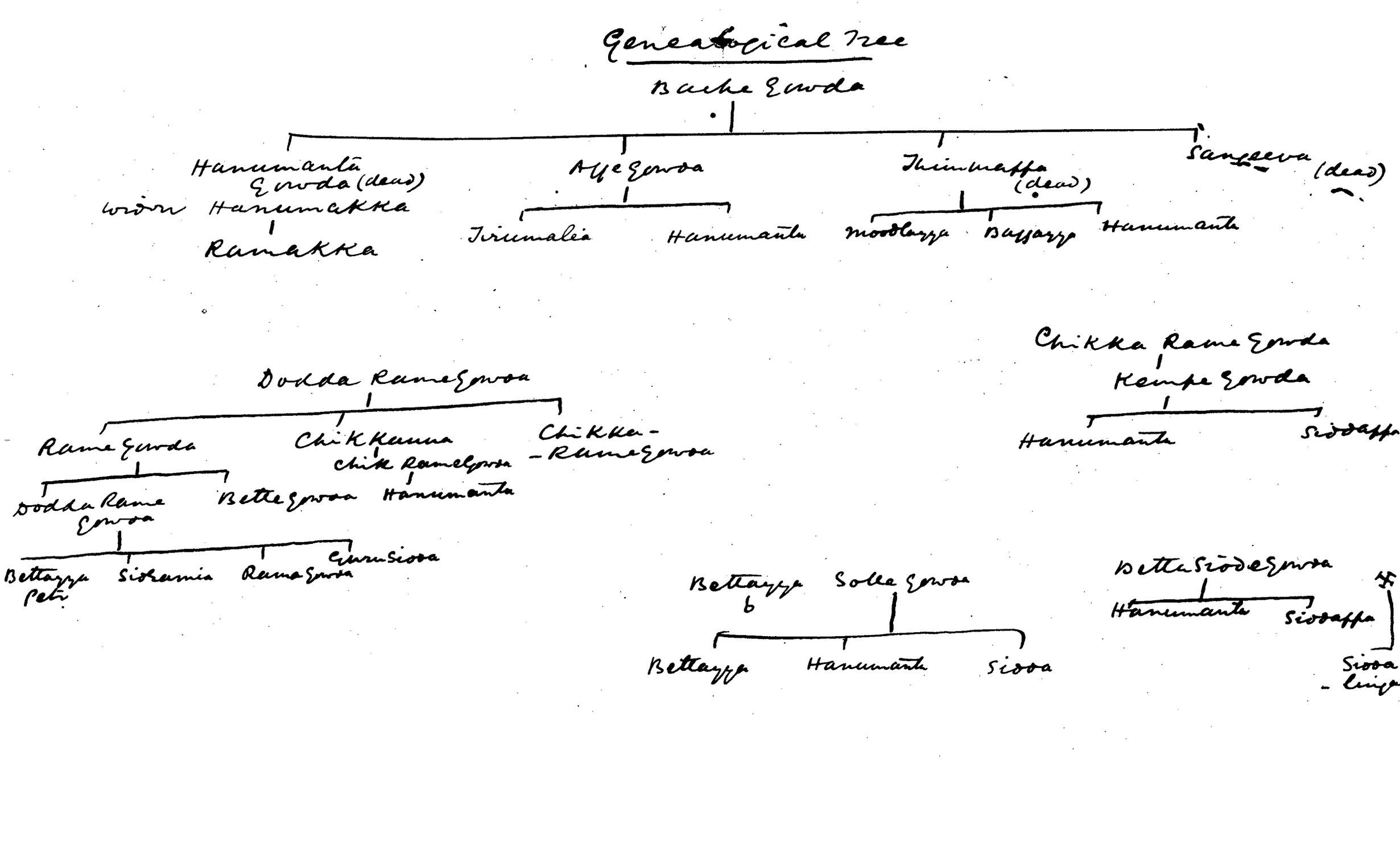
(13)

Submitted to the second Councillor:—

Ajjegauda the brother of the 1st patel who died in 1893 & his nephew the second petr object to the Appointment of Bettayya as police patel under rule in Para 3 of Govt procgs R 1055 dt 3.1.94. Hanumakka widow of the diseased sole patel had previously been registered as Patel and the petr Muddiya appointed by Gumasta. The Dy Comm has directed the petitioners

Contd

Geneabocical Tree



to file a suit to get their rights declared.

The Amuldar held an inquiry about the alleged right of Bettayya to the Patelki — in which however neither of the Petitioners had any part. The Dy. Comr states in his reply to Hammakka that she had admitted the title of Bettayya but this does not appear to be accurate.

The question now is whether the Dy Comr was right in directing the Petitioners to file a regular suit to displace Bettayya or whether he should have reopened the matter that had been disposed of in ~~the~~ a summary manner. It has also to be considered whether, while Hammakka is alive, the Petitioners have a right to be heard in this matter. HBh 8/8/95

C.C.
Perm. Mun. and Courts of the Ceded Districts
9/8/95

Issue R. to Dy. Comr Bellary Shimoga Cudda Bl. 11/8